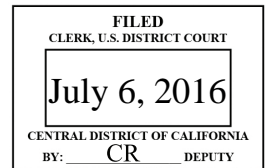


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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION



SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

JAMMIN' JAVA CORP., dba MARLEY  
COFFEE, SHANE G. WHITTLE, WAYNE  
S. P. WEAVER, MICHAEL K. SUN, RENE  
BERLINGER, STEPHEN B. WHEATLEY,  
KEVIN P. MILLER, MOHAMMED A. AL-  
BARWANI, ALEXANDER J. HUNTER,  
and THOMAS E. HUNTER,

Defendants.

Case No. 2:15-cv-08921 SVW (MRWx)

**FINAL JUDGMENT AS TO  
DEFENDANT JAMMIN' JAVA  
CORP.**

1 The Securities and Exchange Commission having filed a Complaint and Defendant  
2 Jammin' Java Corp. ("Defendant") having entered a general appearance; consented to the  
3 Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of  
4 this Final Judgment without admitting or denying the allegations of the Complaint (except as  
5 to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal  
6 from this Final Judgment:

7 I.

8 IT IS HEREBY Ordered, Adjudged, And Decreed that Defendant is permanently  
9 restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by,  
10 directly or indirectly, in the absence of any applicable exemption:

11 (a) unless a registration statement is in effect as to a security, making use of  
12 any means or instruments of transportation or communication in interstate commerce or of the  
13 mails to sell such security through the use or medium of any prospectus or otherwise;

14 (b) unless a registration statement is in effect as to a security, carrying or  
15 causing to be carried through the mails or in interstate commerce, by any means or instruments  
16 of transportation, any such security for the purpose of sale or for delivery after sale; or

17 (c) making use of any means or instruments of transportation or  
18 communication in interstate commerce or of the mails to offer to sell or offer to buy through  
19 the use or medium of any prospectus or otherwise any security, unless a registration statement  
20 has been filed with the Commission as to such security, or while the registration statement is  
21 the subject of a refusal order or stop order or (prior to the effective date of the registration  
22 statement) any public proceeding or examination under Section 8 of the Securities Act [15  
23 U.S.C. § 77h].

24 IT IS FURTHER Ordered, Adjudged, And Decreed that, as provided in Federal Rule  
25 of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive  
26 actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers,  
27 agents, servants, employees, and attorneys; and (b) other persons in active concert or  
28 participation with Defendant or with anyone described in (a).

## II.

IT IS FURTHER Ordered, Adjudged, and Decreed that Defendant is liable for disgorgement of \$605,330.73, representing funds received as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$94,669.27. Defendant shall satisfy this obligation by paying \$700,000 to the Securities and Exchange Commission pursuant to the terms of the payment schedule set forth in paragraph III below.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Jammin' Java Corp. as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment, subject to the terms of the payment schedule set forth in Section III below. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

1 III.

2 Defendant shall pay the total of disgorgement and prejudgment interest due of \$700,000  
3 in two installments to the Commission according to the following schedule: (1) \$200,000  
4 within 14 days of entry of this Final Judgment; (2) \$500,000 to be paid within 90 days of entry  
5 of this Final Judgment. Payments shall be deemed made on the date they are received by the  
6 Commission and shall be applied first to post judgment interest, which accrues pursuant to 28  
7 U.S.C. § 1961 on any unpaid amounts due after 90 days following the entry of Final Judgment.  
8 Prior to making the final payment set forth herein, Defendant shall contact the staff of the  
9 Commission for the amount due for the final payment.

10 If Defendant fails to make any payment by the date agreed and/or in the amount  
11 agreed according to the schedule set forth above, all outstanding payments under this Final  
12 Judgment, including post-judgment interest, minus any payments made, shall become due and  
13 payable immediately at the discretion of the staff of the Commission without further  
14 application to the Court.

15 IV.

16 IT IS FURTHER Ordered, Adjudged, and Decreed that the Consent is incorporated  
17 herein with the same force and effect as if fully set forth herein, and that Defendant shall  
18 comply with all of the undertakings and agreements set forth therein.

19 V.

20 IT IS FURTHER Ordered, Adjudged, and Decreed that this Court shall retain  
21 jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.  
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1 VI.

2 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of  
3 Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without  
4 further notice.

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7 Dated: July 6, 2016

A handwritten signature in black ink, appearing to read "Stephen K. Wilson", is written over a horizontal line.

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9 United States District Judge  
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